

Remarks

The Application has been reviewed in light of the Official Action of September 13, 2006. The Examiner has provisionally rejected claims 1-20 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-20 of co-pending Application No. 10/899,480. This rejection is the only basis identified for rejecting this Application. The Examiner has indicated that a terminal disclaimer should be filed to obviate this rejection. Applicant respectfully requests that the Examiner withdraw this rejection and issue a notice of allowance on the present Application.


MPEP §804 (I. B.) states that: "If the 'provisional' double patenting rejection in one application is the only rejection remaining in that application, the examiner should then withdraw that rejection and permit the application to issue as a patent..."

As noted above, this provisional rejection is the only rejection remaining in this case. Further, a provisional rejection is not the only rejection remaining in copending Application No. 10/899,480. As a result, it is proper at this time to withdraw the provisional rejection in this case and permit this Application to issue as a patent.

Based on the foregoing remarks, Applicant respectfully submits that the present Application is in condition for allowance requests notice of the same.

Respectfully submitted,

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